

House Bill 261

By: Representatives Manning of the 32nd, Smith of the 113th, Reese of the 98th, and Scott of the 2nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to property owners' associations, so as to provide for changes to the limitations on amendments to covenants running with land; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to property owners' associations, is amended by revising Code Section 44-3-234, relating to the application of Article 6 to covenants, as follows:

"4-3-234.

(a) The limitations provided in subsection (b) and paragraphs (1), (2), and (4) (1) and (2) of subsection (d) of Code Section 44-5-60 shall not apply to any covenants contained in any instrument created pursuant to or submitted to this article.

(b) The limitations provided in paragraph (4) of subsection (d) of Code Section 44-5-60 shall not apply to any covenants contained in any instrument created pursuant to or submitted to this article except for those covenants limiting, restricting, or regulating the right of a declarant, owner, lot owner, or lessee to lease a lot or property, provided that:

(1) This subsection shall be construed to restrict the association from exercising its power in accordance with subsection (c) or paragraph (3) of subsection (a) of Code Section 44-3-231; and

(2) Nothing in this subsection shall restrict the right of the association to adopt reasonable uniform rules and regulations governing the care and maintenance of lots and properties."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.